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11	FRIENDS OF YOSEMITE VALLEY and MARIPOSANS FOR THE ENVIRONMENT	
12	AND RESPONSIBLE GOVERNMENT	
13	IN THE UNITED STATES DISTRICT COURT	
14	FOR THE EASTERN DISTRICT OF CALIFORNIA	
15	FRIENDS OF YOSEMITE VALLEY, a non-) Case No. 00-6191 AWI DLB
16	profit corporation; and Mariposans for the Environment and Responsible Government))
17	("MERG"), a non-profit corporation,) DECLARATION OF KATHY MEDINA IN) SUPPORT OF PLAINTIFFS' REPLY
18		MEMORANDUM ON REQUEST FOR
19	Plaintiffs,	(RELIEF)
20	v.	DATE: 10/16/06 TIME: 1:30 p.m
21 22	GALE NORTON, et al.,	COURTROOM: 3
23	Defendants.	
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- I, Kathy Medina, declare as follows:
- 1. I am 50 years old and competent to testify.
- 2. I was born in Fresno, California, and the eldest child of three children. I am the daughter of Joseph Rhoan Sr. and Louise Rhoan. My dad was born and raised in Yosemite Valley; raised in the Indian Village west of the Camp 4 area. My mother raised in Usona, California.
- 3. I am the granddaughter of Alvin Rhoan (deceased) who was a descendant of the Awahneechees who made Yosemite their home many years ago; and, Amy Rhoan who is 96 years old and a Mono Lake Paiute elder.
- 4. I am a lineal descendant of Chief Tenieya on both my mother's side and my father's side; and, Bridgeport Tom and Captain Sam on my father's side. I am currently a recognized tribal member with the Walker River Paiutes in Schurz, Nevada.
- 5. I have spent time in both Wawona and Yosemite Valley as a young child and an adult. My dad shared his childhood stories of growing up in the Valley and being Indian. He described how he played the drum, sang songs, and danced for the tourists with Chris Brown also known as Chief Lee Mee. As a small child, he took me through Indian Caves and told me about the Indian people using the small dark crevasses to hide in. He talked about the pounding rocks used to make acorn in the Valley, and t hat certain rocks you did not touch because they belonged to specific Indian women in the village. I remember visiting the old Indian Village as a small child and hearing the sounds of a cry or Indians mourning. My dad also talked about how his dad continually warned him to stay away from Curry Village because the park rangers did not like the Indian people.

- 6. I have participated in the annual Spirit Walk sponsored by the Southern Sierra Miwuk Nation. I have walked the trail, the same trail as my ancestors, between Yosemite Valley and Mono Lake.
- 7. I am aware of the burial grounds in the El Portal area. According to my grandmother, this area contains the remains of Indian people including those of Paiute ancestry. My great-great-great-great grandfather Captain Sam is buried in this area so as a lineal descendant, I am interested in protecting this area. The remains of other Paiute people are also buried in this area.
- 8. I feel the consultation process was incomplete since the lineal descendants were never directly contacted. While the Yosemite National Park Service may have conducted consultation meetings with the park-affiliated tribes, the lineal descendants were never given an opportunity to attend a meeting with park officials to discuss this matter. When family members informed me about the impending El Portal project, I immediately contacted the park service with my written concerns in a letter dated September 7, 2006 to Jeannette Simons, Tribal Liaison for the Park Service. I attach a true and correct copy of this letter as Exhibit A.
- 9. The impact of this demolition project is my biggest concern simply because the work is being conducted at a known burial site. There are documented remains and cultural items located within this area that are known to the Yosemite National Park Service as well as the native peoples and their descendants who made Yosemite Valley and the surrounding areas their home many years ago.
- 10. The decision to exclude this project from the environmental assessment process demonstrates a lack of respect by park service personnel to protect this sacred, ancient site from

harm and permanent destruction. In reviewing the Categorical Exclusion (CatEx) document for this project, it was determined that "no potential...environmental impacts, including impacts to cultural landscapes or archeological resources" exist. I am no excavation expert, however, this demolition project is being conducted in an area that has already proven itself to be weak and currently unable to adequately sustain the cultural items including human remains beneath the surface. Cultural items i.e., beads as well as human teeth have surfaced in previous years proving the area is not stable or firm enough to keeps these items where they belong. I suspect that heavy equipment e.g., backhoe, will be used to remove the structures. If the ground cannot sustain any cultural item, it will not support heavy equipment.

- 11. Further, I believe the Indian people are not being given a true assessment of how deep the excavation will be. The tribal chair for the Southern Sierra Miwuk Nation indicated at a meeting in Mono Lake that the excavation of this area would be 8 inches deep. In documents sent to the Friends of Yosemite Valley, the Park Service has indicated the excavation will be 3 feet deep. The park service needs to provide more accurate information as to how deep the excavation will occur. The park-affiliated tribes may request additional consultation as a result of this difference.
- 12. I believe this ancient site is no different than a cemetery and it needs to be protected and preserved with dignity and respect; it is, after all, the final resting place of Indian people that includes Paiute remains.
- 13. The spirituality or the medicine that is contained in this area holds great significance to the descendants and, therefore, should not be disturbed or descerated.

Pursuant to 28 U.S.C. §§ 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on October 3, 2006 in Fresno, California. /s/ Kathy Medina Kathy Medina